



PO Box 490, STATION 11
GAINESVILLE, FL 32602-0490

306 N.E. 6TH AVENUE
P: (352) 334-5022
P: (352) 334-5023
F: (352) 334-2648

TO: City Plan Board

Item number: 4

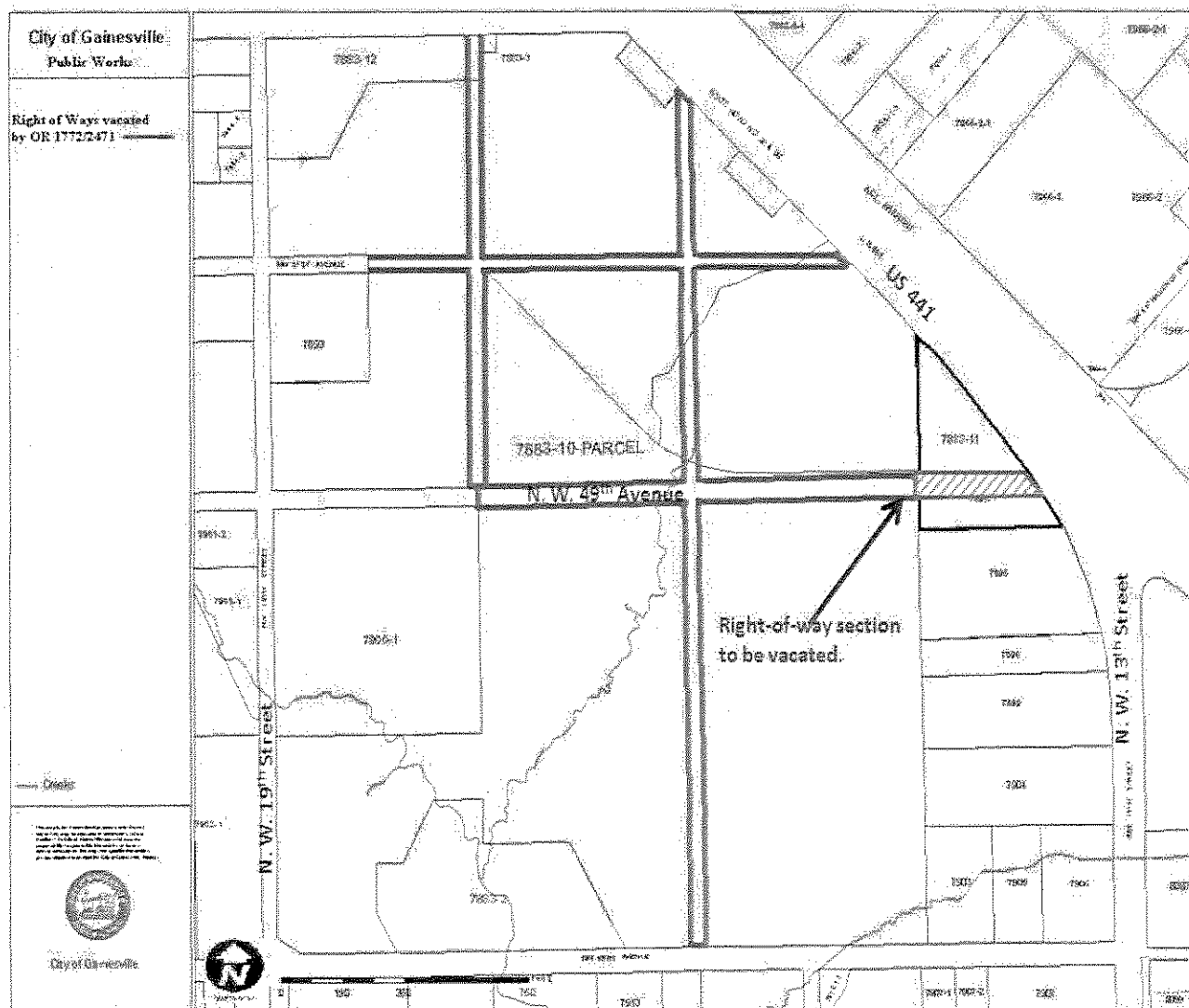
FROM: Planning and Development Services Staff

DATE: August 22, 2013

SUBJECT: Petition PB-13-66 SVA. Thomas A. Daniel, agent for Streit's, Inc. Vacate, abandon and close the 50-foot right-of-way abutting the north property line of 4820 NW 13th Street

Recommendation

Staff recommends approval of Petition PB-13-66 SVA.



Description

This petition is a request to vacate the remaining east 338 feet of NW 49th Avenue, immediately west of NW 13th Street (US 441). The right-of-way was established with approval of the Paradise Plat, as recorded in Plat Book "A", Page 4, but was never constructed. In 1990 most of the rights-of-way associated with the Paradise Plat were vacated through Resolution 90-12 (see Appendix 1), leaving a few east/west sections including the subject right-of-way immediately west of NW 13th Street as unimproved public right-of-way (see above map on Page 1).

The east portion of NW 49th Avenue, which is the subject of this petition, was not vacated to provide access from NW 13th Street to interior parcels with no direct frontage to NW 13th Street. Those interior parcels have since been aggregated into a single parcel (Minor Subdivision Book 2, Page 85 of the Public Records of Alachua County). The parcel is now owned by the City of Gainesville and developed as a City Park with public access from NW 45th Avenue. Given the City Park has access from NW 45th Avenue, the 50-foot wide right-of-way being vacated is no longer needed to serve the Park. The owner of the two adjacent parcels north and south of the right-of-way is requesting that the City vacate the right-of-way separating the two parcels in order to allow for a more efficient and economical use of the properties.

Key Issues

The key issues addressed by this street vacation include the following:

1. In 1990, significant portions of the network of streets in the Plat of Paradise subdivision were vacated under Resolution 90-12. This included NW 49th Avenue except for the east 338 feet, west of NW 13th Street.
2. Upon vacation, the land will be available to Streit's who owns the two adjoining parcels to the north and south providing a continuous parcel that can be incorporate into their redevelopment plans; and
3. The area being proposed for vacation is not improved and will not affect automobile, bicycle, or pedestrian circulation.

Basis for Recommendation

The basis for approval of a street vacation is established in Sec. 30-192 of the Land Development Code (LDC) (See Appendix 2). In reviewing the request, the City Plan Board and City Commission must consider the following factors:

1. *Whether the public benefits from the use of the subject right-of-way as part of the city street system.*

This portion of the right-of-way is not currently part of the improved street network system. It is the last section of an unapproved right-of-way that runs from NW 19th Street to NW 13th Street which has not been vacated. Approval of this petition will return the strip of land to private property and will place the property back on the tax rolls. The street to be vacated does not function as part of the improved public street system and will not hinder the public access to the local or city-wide street system.

2. *Whether the proposed action is consistent with the comprehensive plan.*

Staff finds this street vacation is consistent with the requirements of the comprehensive plan as outlined in Policy 1.2.1 of the Concurrency Management Element and listed below. Staff has determined that vacating the subject right-of-way will not violate any of the conditions listed in the policy as stated below. There are no immediate or documented long-term plans to route bicycle and pedestrian lanes along the existing corridor. Based on documentation from the applicant, the street closing is necessary for construction of an efficient and economical development on the adjacent sites. Based on the history of the Paradise Plat and the intended use of the parcels to the west as a City Park, there is not a reasonable foreseeable need for any type of transportation corridor for the area in the future.

Policy 1.2.1: The City shall not close or vacate streets except under the following conditions:

- a. The loss of the street will not foreclose reasonably foreseeable future bicycle/pedestrian use;
 - b. The loss of the street will not foreclose non-motorized access to adjacent land uses or transit stops;
 - c. The loss of the street is necessary for the construction of a high density, mixed use project containing both residential and nonresidential uses or creating close proximity of residential and non-residential uses; and
 - d. There is no reasonably foreseeable need for any type of transportation corridor for the area in the future.
3. *Whether the proposed action would deny access to private property.*
The proposed action will not deny access to private property. The existing right-of-way has the potential to provide direct access to the City-owned Park from North 13th Street, however adequate access has been provided from NW45th Avenue.
4. *The effect of the proposed action upon public safety;*
The proposed street vacation will not negatively affect public safety.
5. *The effect of the proposed action upon the safety of pedestrians and vehicular traffic;*
The proposed street vacation will not negatively affect pedestrian or vehicular safety.
6. *The effect of the proposed action upon the provision of municipal services including, but not limited to, emergency service and waste removal;*
The proposed street vacation will not affect the provision of municipal services.
7. *The necessity to relocate utilities both public and private;*
The proposed street vacation will not require the relocation of utilities.

Petition PB-13-66 SVA
August 22, 2013

8. *The effect of the proposed action on the design and character of the area.*

The proposed street vacation will not affect the design or character of the overall area but will facilitate the unified development of the parcels to the north and south of the subject property.

Respectfully submitted,



Ralph Hilliard.
Planning Manager

Prepared by:



Lawrence Calderon
Lead Planner

Attachments:

- Appendix 1- Adopted Resolution 90-12 to vacate certain streets in the Paradise Plat.
- Appendix 2- Copy of Sec.30-192 of the Land Development Code.
- Appendix 3- Petition application and legal description
- Appendix 4- Associated Maps